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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Saudi Arabia

1. At its 687th and 688th meetings (see CRC/C/SR.687 and 688), held on 19 January 2001, the Committee on the Rights of the Child considered the initial report of Saudi Arabia (CRC/C/61/Add.2), which was submitted on 15 October 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. However, it regrets that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. The Committee notes the timely submission of the written answers, which it found informative. It further notes with appreciation the presence of a high-level delegation, which contributed to a frank dialogue.

* At the 697th meeting, held on 26 January 2001.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of the Convention on the Elimination of All Forms of Discrimination against Women. It further welcomes the information, provided by the delegation, that the State party is considering ratifying the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

4. The Committee welcomes the establishment of the Committee on Deliberate Child Abuse.

5. The Committee notes with appreciation the generous financial aid given to developing countries by the State party.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by State authorities are impeding the enjoyment of many human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservation

7. The Committee is concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention, as well as the overall implementation of the Convention.

8. The Committee recommends that the State party withdraw its reservation, in accordance with the Declaration and Plan of Action of the World Conference on Human Rights (1993).

Legislation

9. The Committee is concerned that several rights contained in the Convention are not reflected in domestic law. In particular, the Basic Law and other applicable laws do not expressly guarantee non-discrimination on the basis of all the grounds contained in article 2 of the Convention. In addition, the Committee notes the incompatibility of certain areas of domestic law with the Convention (e.g. discrimination against females and non-Muslims and the use of judicial punishments such as flogging), and that many laws relevant to children's rights (i.e. personal status laws, the criminal code, and the criminal and civil procedure codes) remain uncodified.

10. The Committee recommends that the State party conduct a comprehensive review of the Basic Law and domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention, that they are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

11. The Committee is concerned that there is inadequate administrative coordination and cooperation at the national and local government levels in the implementation of the Convention.

12. In light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action for the implementation of its international human rights obligations, including the Convention, through an open and consultative process. Attention should be given to intersectoral coordination and cooperation at and between national and local levels of government. The Committee recommends that the State party provide adequate support to local authorities, including the development of professional capacity, for implementation of the Convention.

13. The Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

14. The Committee recommends that the State party consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. The Committee recommends that greater efforts be made to involve relevant State actors in the dialogue with civil society, such as local government officials and the police, and further encourages the State party to support initiatives aimed at strengthening the role of civil society.

Data collection

15. The Committee is concerned that disaggregated data on persons under 18 years relating to the rights contained in the Convention are not systematically collected and used effectively to assess progress and design policies to implement the Convention.

16. The Committee recommends that the State party establish a mechanism to systematically collect and analyse data on persons under 18. The Committee encourages the State party to seek technical assistance from UNICEF, among others, in this regard.

Monitoring structures

17. The Committee emphasizes the importance of setting up an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention at the national and local levels. Moreover, the Committee notes that guarantees of

non-discrimination, religious freedom and due process laid down in domestic law without independent and effective mechanisms to monitor their application do not on their own ensure the enjoyment of these and other fundamental rights.

18. The Committee encourages the State party to consider the establishment of an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels. This institution should be empowered to receive and investigate complaints of violations of child rights in a child-friendly manner, and address them effectively. The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others.

Training/dissemination of the Convention

19. The Committee is concerned at the low level of awareness of the Convention amongst professionals working with and for children and the general public, including children themselves. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

20. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing human rights training programmes, including on the provisions of the Convention, for all professional groups working with children (e.g. the Consultative Council, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from the Office of the High Commissioner for Human Rights and UNICEF, among others, in this regard.

2. Definition of the child

21. The Committee is concerned that the definition of the child is unclear under Saudi law and that the age of majority is not defined. For example, the absence of a defined minimum age for marriage may result in the arbitrary and disparate application of laws and discrimination between girls and boys.

22. The Committee recommends that the State party review its legislation so that the definition of the child, the age of majority and other minimum age requirements conform to the principles and provisions of the Convention and are gender neutral in particular, and ensure that they are enforced by law.

3. General principles

The right to non-discrimination

23. The Committee is concerned by the persistence of discrimination in the State party. In particular, the Committee finds that direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of identity cards for females) and personal status (e.g. inheritance, custody and guardianship), is incompatible with article 2. The Committee is concerned that the nationality law does not grant equal citizenship status to children of Saudi women married to non-nationals. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men.

24. In accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

Best interests of the child

25. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests, and is discriminatory).

26. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and taken into consideration.

Right to life

27. As the age of majority is not defined, the Committee is seriously concerned that there is a possibility that the death penalty may be imposed for offences committed by persons who were below 18 years at the time the crime was committed, contrary to articles 6 and 37 (a) of the Convention.

28. The Committee strongly recommends that the State party take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.

Respect for the views of the child

29. The Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

30. The Committee encourages the State party to promote and facilitate, within the family, the school, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to assist children to express their informed views and opinions, and to have them taken into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.

4. Civil rights and freedoms

Freedom of thought, conscience and religion

31. The Committee emphasizes that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of articles 14 and 30 of the Convention and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), the Committee is concerned at the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3.

32. The Committee recommends that the State party take all effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort, including public education campaigns, to combat intolerance on the grounds of religion or other belief.

Protection from torture and inhuman or degrading treatment or punishment

33. In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons under 18 may be subject while in detention to corporal punishment, such as flogging, under article 28 of the 1977 Detention and Imprisonment Regulations. It is also disturbed that persons who committed crimes when they were under 18 may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities. The Committee finds that application of such measures is incompatible with the Convention. Moreover, the Committee is concerned about reports that members of the Committees for the Propagation of Virtue and the Prevention of Vice routinely harass and assault persons under 18 for, inter alia, dress code infractions.

34. The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment, including flogging and other forms of cruel, inhuman or degrading treatment and punishment, on persons who may have committed crimes when they were under 18. It also recommends that the State party take all appropriate measures to ensure that law enforcement officials respect and protect human dignity and maintain and uphold the human rights of all persons in the course of their duties.

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

35. In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools and within the family. It is further concerned that domestic violence is a problem in Saudi Arabia and that this has harmful consequences on children.

36. The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools and care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. In addition, the State party should recruit, train and employ women police officers. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party establish hotlines and shelters, staffed by women, for the protection of women and children at risk of or fleeing abuse. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

6. Basic health and welfare

Right to health and health care

37. Taking note of the significant achievements in the development of primary health care and specialized health services, the Committee is concerned at the insufficient information available in relation to adolescent health, such as information on access to reproductive health services and mental health counselling services.

38. The Committee recommends that the State party undertake a comprehensive study to understand the nature and extent of adolescent health problems and, with the full

participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

7. Education, leisure and cultural activities

Education

39. Noting significant efforts by the State party to improve education coverage, the Committee remains concerned that the system of education continues to emphasize rote learning rather than the development of analytical skills. It is also concerned that the aims of education presented in the report do not adequately reflect the aims outlined under article 29 of the Convention. In particular:

(a) It is seriously concerned that the State party's policy on education for girls (e.g. articles 9 and 153 of the 1969 Policy of Education) discriminates against girls and is incompatible with article 29 (a) of the Convention; and

(b) That the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities are not explicitly included in the curricula.

40. The Committee recommends that the State party undertake a process of curriculum and teaching methodology reform with the full participation of children, which stresses the importance of developing critical thinking and problem-solving skills. In light of article 2 of the Convention, the Committee recommends that the State party take due regard of article 29 and direct education to the development of the child's personality, talents and mental and physical abilities to the fullest and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level, in order to address discrimination against girls in particular. The Committee encourages the State party to seek assistance from UNICEF and UNESCO, among others.

8. Special measures of protection

Administration of juvenile justice

41. The Committee is concerned that as the age of majority is not defined, and in the absence of a published criminal code and code of criminal procedure, persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures) and be subject to the same penalties as adults. The Committee is also concerned that the lack of an independent and effective child-friendly monitoring and complaints mechanism and adequate access to legal counsel may put a child at risk of arbitrary arrest and detention under the 1977 Detention and Imprisonment Regulations and the 1983 Principles of Arrest, Temporary

Confinement and Preventative Detention Regulations. The Committee is concerned that females under 18 are detained with adult females under the 1975 Statutes of the Welfare Institutions for Young Women.

42. The Committee recommends that the State party establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. It recommends that the State party expedite the promulgation of a criminal code and a code of criminal procedure. Particular attention should be paid to ensure that: deprivation of liberty is only used as a measure of last resort; children have access to legal aid and independent and effective complaints mechanisms; and persons under 18 are not detained with adults. The Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

43. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of reports

44. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion, and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.